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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,077	12/22/2000	Patrick E. Perry	BUR919980109	8010

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EXAMINER

PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 01/21/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,077

Applicant(s)

PERRY ET AL.

Examiner

Pm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 5, 9 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, and 14/11/0.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-17 are presented for examination.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,6-8,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhat (6,097,955) in view of Yamada et al. (5,996,070).
3. As to claim 1, Bhat disclosed a digital system controlled by operation codes [modules][software] operable in plurality of modes (e.g. the paging and the normal call) comprising an application for sending a message, and determining operational codes [radio cluster servers] which were not used, and skipping the operational codes [servers] in response to the message (see fig.3, fig.4, see the bypass of the cluster servers in col.2, lines 25-38, col.5, lines 24-32, col.6, lines 63-67, col.7, lines 1-13, see also the servers were software modules in col.5, lines 65-67, col.6, lines 1-15).
4. Bhat did not specifically teach the insertion of execution bit into the operational codes as claimed. Instead, Bhat used the message to determine skipping the not being used software modules (the servers). Since no detail format of the execution bit is being recited in the claim, the execution bit is assumed to be of general type information inserted into instruction code reflecting the execution state of any operation at a given format, such as a predetermined instruction field. Yamada disclosed a predetermined instruction field of at least of execution control bit inserted into the

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operational code [instruction] for indicating execution state of an operation (e.g. see col.7, lines 41-60) . It would have been obvious to one of ordinary skill in the art to use Yamada in Bhat for including the insertion of the execution bit into the operational code as claimed because the use of Yamada could provide Bhat the capability to adapt to specific operation codes on demand based on information built into the operation code itself, thereby reducing the latency on the interface level in addition to the processing stage to determine unused software modules (the operation codes), and it could be readily achieved by defining the execution bit of Yamada into the configuration file on Bhat so that the execution bit could be recognized by Bhat, and in doing so, provided a motivation.

5. As to claim 2, Bhat also included a predetermined criterion representing one of operation code (e.g. see fig.4 [402][406]).

6. As to claims 3, 7, Bhat also skipped at least a single operational code following a preceding instruction [318] (see each server in fig.3).

7. As to claim 4, Yamada's execution bit also included particular state (e.g. see col.7, lines 41-60).

8. As to claims 6, 10, Yamada's execution bits also represented a number (see the 000-111 combinations in the table).

9. As to claim 8, Bhat also taught skipping the all operations (see the bypass in fig.3). Bhat did not teach the instruction having an execution bit . However, Yamada disclosed an instruction having at least one execution bit (col.7, lines 41-60). The

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reasons why it would have been one of ordinary skill in the art to use Yamada in Bhat were already given in Paragraph # 4 , therefore it will not be repeated herein.

10.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 11-15,17 are rejected under 35 U.S.C. 102(a)(b) as being anticipated by Sone et al. (5,452,469)

12. As to claim 11, there is no specific feature of the claimed "execution bit" recited in the claim, and the claim recites the bypassing based the execution bit, therefore, the "execution bit" is assumed to be any information used to relate execution operation, such as bit or field used to decide whether instruction(s) should be bypassed for the purpose of processing or execution. No activation or disabling of an instruction block has been recited in the claims, therefore, any program flow redirection can be read on the claim. Applicant is welcome to provide feedback in the next response. Sone disclosed a system including a sequence of instructions (see the commands) including an execution bit (CBK), and means for by passing an instruction in the sequence based on a particular state of an execution bit [CBK] in a current instruction [given command] (see how the program flow break into the break routine

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and how the new command suspended following the given command in col.5, lines 44-68, col.6, lines 1-10), col.7, lines 40-52, see also the abstract).

13. As to claim 12, Sone also set a criterion (e.g. see col.5, lines 60-62).

14. As to claim 13, Sone's bypassed instruction also followed the instruction having a execution bit (see new command followed the given command in col.5, lines 44-50).

15. As to claims 14,17, Sone also bypassed a plurality of instructions (e.g. see series of operation suspended in the Abstract).

16. AS to claim 15, Sone also included bypass of the instructions between instructions having execution bits (e.g. see the suspended new command and given command in col.5, lines 44-50).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Kuslak et al. (5,867,699) is cited for the basic teaching in redirection of the program flow to a target instruction, thereby bypassed the normal program flow (e.g. see col.12, lines 7-49).

17. Claims 5,9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record teaches the functional relationship of the execution bit and activation bit and the register bit.

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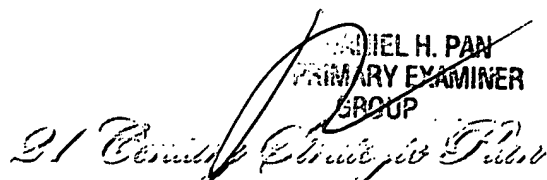
18. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record teaches the means for toggling the comparison bit based on the execution bit and the comparison of the comparison bit with respective execution bits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696. The examiner can normally be reached on M-F from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712. The fax phone numbers for the organization where this application or proceeding is assigned is are:

- a) before final 703 746 7239;
- b) after final 703 746 7238;
- c) Customer Service 703 746 7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900. USPTO Web site can be reached at <http://www.uspto.gov> for general inquiry.


DANIEL H. PAN
PRIMARY EXAMINER
GROUP